

REMARKS

Claims 23-36, 41-51, 57-61 and 64-69 are currently pending in this application.

Claim 57 has been amended to correct the informality noted by the Examiner.

Claims 23-36, 41-51 and 54-63 were rejected under 35 USC 112, first paragraph. Claims 52-56 and 62-63 have been cancelled. Independent claims 23, 44, 57 and dependent claims 35, 47, 59-61 have been amended to clarify the language and improve the readability of the claims in light of the terminology used in the specification. In particular, the terms "masking volume signal" and "masking frequency signal" have been changed to "masking signal volume command", and to "masking signal spectrum command", respectively. The Examiner is referred to paragraphs [0048] and [0049] of the specification, which provide support for the terms as recited in the amended claims. Applicants respectfully request that the Examiner withdraw this rejection.

Claims 23-36 and 41-62 were rejected under 35 USC 112, second paragraph. As indicated above, claims 52-56 and 62-63 have been cancelled. As indicated above, the term "a masking frequency signal" has been rewritten as "a masking signal spectrum command". The Examiner is referred to paragraphs [0048] and [0049] of the specification, which provides support for this feature as recited in claims 23-36, 41-51 and 57-61. Applicants respectfully request that the Examiner withdraw this rejection.

Claims 52-53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,185,167 to Cunningham and USP 5,406,634 to Anderson. As indicated above, claims 52-56 have been cancelled. Withdrawal of the rejection is respectfully requested.

Dependent claim 28 has been amended to correct a clerical error. New method claims 64-66 and apparatus claims 67-69 have been added to define other embodiments of the present invention.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

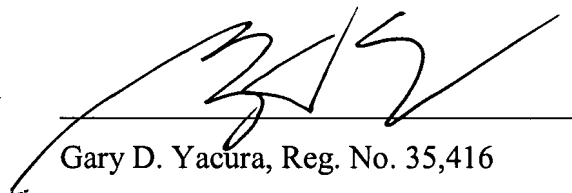
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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